

Remark

Applicants respectfully request reconsideration of this application as amended. No Claims have been amended. Claim 10 has previously been cancelled. Therefore, claims 1-9 and 11-22 remain present for examination.

35 U.S.C. §102 Rejection

Alamouti

The Examiner has rejected claims 1-9 and 11-22 under 35 U.S.C. §102(e) as being anticipated over Alamouti, U.S. Patent No. 6,560,209 ("Alamouti").

Claim 1 first recites, "splitting the data signal into a plurality of sub-carriers to at least partially redundantly transmit the information." Against this limitation the Examiner simply cites a figure which shows a spreader and multiple antennas. This is insufficient to show anticipation. The illustrated hardware may operate in many different ways and may not "at least partially redundantly transmit." That is, each sub-carrier may carry a different part of the information. To make a *prima facie* case of rejection, a relevant teaching in the reference must be specifically pointed out. Applicants submit that there is no redundant transmission in Alamouti.

Claim 1 further recites, "each of the N signals of each sub-carrier... propagates along a different physical path to **the [one]** receiver" (emphasis added). Against this limitation, the Examiner cites to 15:2-25 and 19:43-53. Starting with Column 19, Alamouti states that there is "a complex weight matrix, W, composed of weight vectors corresponding to each user, such that the transmitted signal is reinforced in the direction

of the desired RU(s) [User]..." In other words there is a matrix W . It has a weight vector for each user. A weight vector is typically a phase and amplitude factor for each antenna element. Each weight vector will reinforce a transmitted signal "in the direction of the desired RU(s)." The normal reading is that all of the signals for a particular user are sent in the same direction and that direction is in the direction of the corresponding user.

However, Claim 1 refers to each signal having "different physical path to the receiver." This is a claim to multiple paths and one receiver. There is no suggestion in Alamouti Column 19 that any one RU would have more than one physical path.

Referring to Column 15, there is an 18 element vector to be transmitted through 8 antenna elements. There are "18 symbols destined for each antenna." The natural reading of this passage that is consistent with Column 19 is that all of the elements or symbols are transmitted through all of the antennas. The result, in combination with the weight vectors (19:49-53), is that each symbol or element is sent through the array (8 antennal elements at the same time) using the array as a phased array to steer the beam or "reinforce the transmitted signal in the direction of the respective RU."

Again, as in Column 19, there is nothing here to suggest that any of the 18 elements are sent in different directions from each other or along different physical paths.

Whereas the Examiner has failed to show specifically in the reference the two teachings discussed above, inter alia, the rejection is respectfully traversed. These teachings are:

"sub-carriers to at least partially redundantly transmit the information;"

"each of the N signals of each sub-carrier... propagates along a different physical path."

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

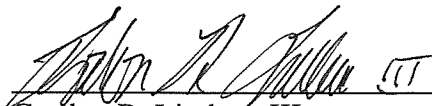
Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Gordon R. Lindeen III
Reg. No. 33,192

1279 Oakmead Parkway
Sunnyvale, California 94085
(303) 740-1980